

REMARKS

Claims 1-9 are canceled and replaced with Claims 10-21. Set forth below is a table that correlates the prior canceled claims to the new claims added by way of the within amendment.

New Claim	Prior Claim
10	1 (in part)
11	1 (in part)
12	2
13	1 (in part)
14	3
15	New Claim
16	4
17	5
18	6
19	7
20	8
21	9

As set forth in the above table, Claims 1-9 in the instant Application as originally filed are re-written as new Claims 10-14 and 16-21, so that the claims clarify the terminology and meet the formal requirements under the United States patent law. As such, the new claims, particularly Claims 10-14 and 16-21, do not narrow the scope of the claimed invention. Also, Claim 1 clarifies that the position and value of an extremum of Fabry-Perot oscillations are used in the method as is disclosed to the skilled in

artisan in the Specification, at least, at page 4, lines 10-24 and elsewhere, and clarify that the illuminating energy is constant as is disclosed to the skilled artisan in the Specification, at least, at page 8, lines 21-25 and elsewhere. Based on the foregoing, the new claims, particularly Claims 10-14 and 16-21 are fully supported in the Specification and do not add new matter.

Claim 15, which is dependent from Claim 14, recites that the measured reflectivity is normalized. Claim 15 is supported in the Specification, at least, at page 5, lines 6-9 and elsewhere. Thus, Claim 15 does not add new matter.

At page 4 of the Office Action, the Examiner indicates that Claim 1 may be allowable if rewritten or amended to overcome the rejections of the claims under 35 U.S.C. § 112 (second paragraph). The Applicants and their agent gratefully acknowledge the Examiner's indication of allowability. As discussed below, the claims are rewritten and are believed to meet all legal requirements. Hence, a Notice of Allowance of Claims 10-21 is earnestly solicited.

At pages 1-4 of the Office Action, the Examiner rejects Claims 1-9 under 35 U.S.C. § 112 (second paragraph) as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. Reconsideration and withdrawal of this rejection is respectfully requested.

At page 2 of the Office Action, the Examiner states that the claims are generally narrative and indefinite and fail to conform to current United States practice. The Examiner also states that the literal translation of the claims, particularly Claims 4, 5 and 8, make it difficult to determine the scope of the claims. Claims 1-9 are canceled and

re-written as Claims 11-21 in a manner believed to comply with all statutory and regulatory requirements.

At pages 2-3 of the Office Action, the Examiner asserts that Claim 1 recites broad limitations and narrow limitations in the same claim with respect to the recitation of “a method of measuring characteristics” and “especially the temperature of a multi-layer material”, and “a multi-layer material” and “especially of a semiconductor layer system”. New Claim 10 recites to measuring growth parameters and the parameters, including temperature are set forth a separate dependent claim (Claim 13). Also, new Claim 10 recites to a multi-layer material and Claim 11, which is dependent from Claim 10, states that the multi-layer material is a semi-conductor. Thus, the re-written claims do not include recitation of broad and narrower limitation in the same claims.

At pages 3-4 of the Office Action, the Examiner asserts that various items in Claims 1-3, 7 and 9 lack antecedent basis. The claims, as re-written, are believed to provide proper antecedent basis for the limitations stated in the claims.

Finally, the Applicants respectfully submit an Information Disclosure Statement, contemporaneously with this amendment in which an article related to the art, *In Situ Spectral Reflectance Monitoring of III-V Epitaxy* by K.P. Killeen and W.G. Breiland, is submitted for consideration by the Examiner.

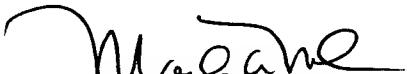
CONCLUSION

The instant Application is believed to be in condition for allowance. Accordingly, Applicants request a Notice of Allowance of Claims 10-21. The Examiner is invited to telephone the undersigned at (908) 722-0700 if it is believed that further discussions, and/or additional amendment would help advance the prosecution of this application.

If any extension of time for this response is required, Applicants request that this be considered a petition therefor. Please charge any required petition fee to the Deposit Account No. 14-1263.

Please charge any insufficiency of fees, or credit any excess, to the Deposit Account No. 14-1263.

Respectfully submitted,



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